IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 31148 of 2004(G)

PETITIONER:

BABURAJAN PILLAI, S/O. JANARDHANAN PILLAI,
KARUVILA VEEDU, THAZHUTHALA,
KOTTIYAM, KOLLAM.

BY ADV. SRI.C.RAJENDRAN.

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.**
2. **THE KERALA STATE ELECTRICITY BOARD, THIRUVANANTHAPURAM.**
3. **EXECUTIVE ENGINEER, ELECTRICAL DIVISION, KUNDARA.**
4. **THE ASSISTANT ENGINEER, ELECTRICAL SECTION, NALLILA, KOLLAM.**

BY GOVERNMENT PLEADER,
SRI.C.K.KARUNAKARAN, SC FOR KSEB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.31148/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PETITION DTD. 12/09/01.

EXT.P.2: COPY OF THE NOTICE ISSUED BY THE R.4. DTD. 25/09/2003.

EXT.P.3: COPY OF THE ORDER 09/04/03 DECLARING THE FACTORY AS SICK UNIT.

EXT.P.4: COPY OF THE GOVERNMENT ORDER NO. 136/89 D DTD. 02/09/1989.

EXT.P.5: COPY OF THE LETTER OF R.2. DTD. 11/06/2004.

EXT.P.6: THE LETTER OF R.4. INFORMED THE R.3. THAT THE PETITIONER IS PERMITTED TO PAY THE ARREARS IN 12 INSTALLMENTS SHOWING THE LIABILITY OF THE PETITIONER AS RS. 49437/-.

EXT.P.7: STATEMENT OF SENIOR SUPERINTENDENT GIVEN TO R.3. SHOWING THE AMOUNT OF INSTALLMENT AND THE DATES FALL DUE FOR THE PAYMENTS AND DATES.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C). NO. 31148 OF 2004

Dated this the 18th day of July, 2007.

J U D G M E N T

Petitioner is aggrieved by the steps taken for recovery of dues in respect of electric connection which was dismantled after six months of disconnection.

2. Under the Conditions of Supply of Electrical Energy prevailing during the relevant period, supply cannot remain under disconnection beyond six months unless requested by the consumer. It is also specifically provided in the regulations that supply shall be deemed to be dismantled as on that date. In the instant case it is admitted that the supply was disconnected on 31.08.2001. However, the same was dismantled only on 29.07.2003.

The liability of the petitioner is only to pay fixed charges for a period of six months after the disconnection, since there is no request for keeping the connection. The amount due from the petitioner shall be thus recomputed and fresh demand shall be issued within a period of three months from the date of

production of a copy of this judgment. The amounts already remitted by the petitioner will be duly adjusted.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp